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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Kirakossian *et al.* Confirmation No.: 2462
Serial No.: 10/765,773 Art Unit: 1641
Filed: January 26, 2004 Examiner: DO, PENSEE T.
For: BIOMARKER DETECTION IN Attorney Docket No.: 11068-145-999
CIRCULATING CELLS (formerly 138.00US)

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Your Petitioner, **Nikolaos C. George** represents that he is an attorney of record for **ViroLogic, Inc.** ViroLogic, Inc. is the assignee of the entire 100% right, title and interest in and to the above identified application and U.S. Pat. No. 6,627,400, by virtue of the merger of Aclara Biosciences, Inc. into ViroLogic, Inc. On December 10, 2004, Aclara Biosciences, Inc. merged into Apollo Merger Subsidiary, Inc. On March 18, 2005, Apollo Merger Subsidiary, Inc. merged into ViroLogic, Inc. Copies of the Certificates of Merger are attached to this Terminal Disclaimer. The assignment of the instant patent application U.S. App. No. 10/765,773 from the inventors to Aclara Biosciences, Inc. was recorded on January 26, 2004, at Reel 014939, Frame 0369. The assignment of U.S. Pat. No. 6,627,400, from the inventors to Aclara Biosciences, Inc. was recorded on February 26, 2001, at Reel 011545, Frame 0394. Thus, title to both of the above-identified application and U.S. Pat. No. 6,627,400 is properly vested in ViroLogic, Inc.

Petitioner hereby disclaims the terminal part of any patent granted on the above identified application which would extend beyond the expiration date of U.S. Pat. No. 6,627,400. In addition, Petitioner hereby agrees that any patent so granted on the above identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Pat. No. 6,627,400.

Petitioner further agrees that this agreement is to run with any patent granted on the above identified application and is to be binding upon the grantee, its successors, and assigns.

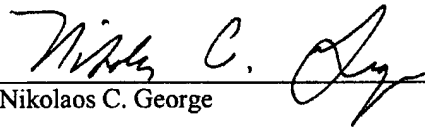
Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Pat. No. 6,627,400 in the event that said patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of their full statutory terms, except for the separation of legal title stated above.

Petitioner hereby confirms that he has reviewed the assignment and merger documents, and to the best of his knowledge and belief, title is in the assignee seeking to take action in this matter and that he is empowered to act on behalf of ViroLogic, Inc.

Petitioner hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this date of June 29, 2005.

Attorney for ViroLogic, Inc.

By:  39,201
Nikolaos C. George (Reg. No.)

Jones Day
222 East 41st Street
New York, New York 10017
(212) 326-3939

Delaware

PAGE 1

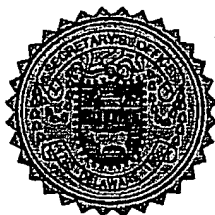
The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"ACLARA BIOSCIENCES, INC.", A DELAWARE CORPORATION,

WITH AND INTO "APOLLO MERGER SUBSIDIARY, LLC" UNDER THE NAME OF "APOLLO MERGER SUBSIDIARY, LLC", A LIMITED LIABILITY COMPANY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TENTH DAY OF DECEMBER, A.D. 2004, AT 4:24 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE KENT COUNTY RECORDER OF DEEDS.



3806337 8100M

040895277

Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State
AUTHENTICATION: 3540088

DATE: 12-10-04

State of Delaware
Secretary of State
Division of Corporations
Delivered 04:24 PM 12/10/2004
FILED 04:24 PM 12/10/2004
SRV 040895277 - 3806337 FILE

**STATE OF DELAWARE
CERTIFICATE OF MERGER OF
ACLARA BIOSCIENCES, INC.
INTO
APOLLO MERGER SUBSIDIARY, LLC**

Pursuant to Title 8, Section 264(c) of the Delaware General Corporation Law and Title 6, Section 18-209 of the Delaware Limited Liability Company Act, the undersigned limited liability company has executed the following Certificate of Merger:

FIRST: The name of the surviving limited liability company is Apollo Merger Subsidiary, LLC and the name of the corporation being merged into this surviving limited liability company is ACLARA BioSciences, Inc.

SECOND: The Agreement and Plan of Merger and Reorganization has been approved, adopted, certified, executed and acknowledged by the surviving limited liability company and the merging corporation.

THIRD: The name of the surviving limited liability company is Apollo Merger Subsidiary, LLC and the Certificate of Formation of Apollo Merger Subsidiary, LLC as filed with the Secretary of State of Delaware on May 21, 2004, and as now in full force and effect, shall continue to be the Certificate of Formation of said surviving limited liability company until amended and changed pursuant to the provisions of the Delaware Limited Liability Company Act.

FOURTH: The merger is to become effective on the date of the filing of this certificate of merger.

FIFTH: The Agreement and Plan of Merger and Reorganization is on file at Apollo Merger Subsidiary, LLC, 345 Oyster Point Blvd., South San Francisco, CA 94080, the place of business of the surviving corporation.

SIXTH: A copy of the Agreement and Plan of Merger and Reorganization will be furnished by the corporation on request, without cost, to any member of the constituent limited liability company or any stockholder of any constituent corporation.

IN WITNESS WHEREOF, said corporation has caused this Certificate of Merger to be signed by its President this 10th day of December, 2004.

By: 

William D. Young
President, Apollo Merger Subsidiary, LLC

Delaware

PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"APOLLO MERGER SUBSIDIARY, LLC", A DELAWARE LIMITED LIABILITY COMPANY,

WITH AND INTO "VIROLOGIC, INC." UNDER THE NAME OF "VIROLOGIC, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE EIGHTEENTH DAY OF MARCH, A.D. 2005, AT 6:46 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



2559937 8100M

050228875

Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 3756017

DATE: 03-21-05

State of Delaware
Secretary of State
Division of Corporations
Delivered 06:46 PM 03/18/2005
FILED 06:46 PM 03/18/2005
SRV 050228875 - 2559937 FILE

**STATE OF DELAWARE
CERTIFICATE OF MERGER OF
APOLLO MERGER SUBSIDIARY, LLC INTO
VIROLOGIC, INC.**

Pursuant to Title 8, Section 264(c) of the Delaware General Corporation Law and Title 6, Section 18-209 of the Delaware Limited Liability Company Act, the undersigned corporation has executed the following Certificate of Merger:

FIRST: The name of the surviving corporation is ViroLogic, Inc. and the name of the limited liability company being merged into this surviving corporation is Apollo Merger Subsidiary, LLC.

SECOND: The Agreement and Plan of Merger has been approved, adopted, certified, executed and acknowledged by the surviving corporation and the merging limited liability company.

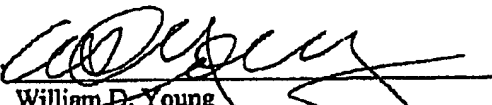
THIRD: The name of the surviving corporation is ViroLogic, Inc., and the certificate of incorporation of the surviving corporation shall be the Amended and Restated Certificate of Incorporation of ViroLogic, Inc., as now in effect.

FOURTH: The merger is to become effective on the date of the filing of this certificate of merger.

FIFTH: The Agreement and Plan of Merger is on file at ViroLogic, Inc., 345 Oyster Point Blvd., South San Francisco, CA 94080, the place of business of the surviving corporation.

SIXTH: A copy of the Agreement and Plan of Merger will be furnished by the corporation on request, without cost, to any member of the constituent limited liability company or any stockholder of any constituent corporation.

IN WITNESS WHEREOF, said corporation has caused this Certificate of Merger to be signed by its Chief Executive Officer this 18th day of March, 2005.

By 
William D. Young
Chief Executive Officer, ViroLogic, Inc.